

VZCZCXRO2834
PP RUEHGA RUEHHA RUEHMT RUEHQU RUEHVC
DE RUEHOT #1578/01 3572136
ZNR UUUUU ZZH
P 222136Z DEC 08
FM AMEMBASSY OTTAWA
TO RUEHC/SECSTATE WASHDC PRIORITY 8896
INFO RUCNCAN/ALL CANADIAN POSTS COLLECTIVE PRIORITY
RUEILB/NCTC WASHINGTON DC PRIORITY 0014

UNCLAS SECTION 01 OF 03 OTTAWA 001578

SIPDIS

S/CT FOR R.SHORE AND NCTC

E.O. 12958: N/A

TAGS: [PTER](#) [PREL](#) [ASEC](#) [CA](#)

SUBJECT: CANADA: 2008 COUNTRY REPORTS ON TERRORISM

REF: STATE 120019

¶1. (U) During 2008 Canada secured its first convictions under the 2001 Anti-Terrorism Act. In September, a Toronto court convicted a 20-year-old man, whose identity is protected by the Criminal Youth Justice Act, for conspiring in a group plot to bomb several Canadian targets, including Parliament Hill, Royal Canadian Mounted Police headquarters, and nuclear power plants. The individual faces as many as 10 years in prison, but the court had not set a sentencing date at year's end. The man was among 18 arrests in 2006 in connection to the alleged conspiracy. The government dropped charges against seven alleged co-conspirators, but ten of the accused awaited trial at year's end. The remaining individuals face charges including participation in alleged terrorist training and terrorist financing. In a separate trial in October, a Canadian judge convicted Momin Khawaja of five charges of financing and facilitating terrorism and two criminal code offenses related to building a remote-control device that could trigger bombs. Police arrested Khawaja in 2004, accusing him of conspiring with a British al-Qaida (AQ) cell in a thwarted London bomb plot in that same year. Khawaja faces a maximum of two life terms, plus a consecutive 58 years at his sentencing on February 12, 2009. In both cases, the judges upheld the constitutionality of Section 38 of the Canada Evidence Act, which allows Canada to protect sensitive foreign government information from public disclosure.

¶2. (U) Police in Quebec arrested Said Namouh in September in connection with the arrest in Austria of three members of the Global Islamic Media Front, an AQ-linked propaganda and recruitment organization. Police charged Namouh with plotting a terrorist attack against an unspecified foreign country but found no direct threat to Canada. Namouh remains in custody pending a January 31, 2009 bail hearing. Working in cooperation with French authorities, in November Canadian police arrested an Ottawa university instructor in connection with the 1980 bombing of a Paris synagogue, which killed four people. In June and October in separate immigration cases, the Canadian Border Services Agency deported two alleged Basque Homeland and Freedom (ETA) terrorists back to Spain to face criminal charges following a request from the Spanish government.

¶3. (U) Two important pieces of legislation that the government introduced to Parliament in October 2007 met different fates during 2008. One bill to amend the Immigration and Refugee Protection Act to allow for continued application of security certificates, which have been in use for several decades as a way to detain, pending deportation, foreign nationals deemed to be a security threat. The bill provided for a group of cleared special advocates to challenge the evidence on behalf of the accused and for an initial judicial review of detainees in the first 48 hours of arrest and at six month intervals. Parliament passed this bill, which entered into force on February 14, ahead of a February 23 deadline that the Canadian Supreme Court had imposed after ruling that the

government's use of secret evidence in certificate proceedings and detention reviews was unconstitutional. Five individuals are currently subject to security certificates. The government dropped one individual's certificate. The government has released four of the certificate holders from detention subject to conditions on their movement; one individual under a certificate remains in custody. Legal challenges to the security certificate regime are on-going.

¶4. (U) The second bill was part of a mandatory review of the 2001 Anti-Terrorism Act. Two provisions of the Act) investigative hearings permitting police to apply for an order requiring a witness to appear before a judge and answer questions, and preventive arrest, whereby police may bring an individual before a judge in the early stages of terrorist activity to disrupt a potential terrorist attack) had sunset clauses and lapsed in February. Although the Senate had passed this bill, the Commons had not when Prime Minister Stephen Harper dissolved Parliament to hold a October 14 national election. The government has not made a public commitment to reintroduce the bill in the new Parliament, and the ruling Conservative Party did not include this legislation in its election campaign platform. The Conservative election platform did, however, pledge to pass legislation allowing Canadians victims of terrorism to sue state sponsors of terrorism for monetary damages.

¶5. (U) Under the statutory definition in Section 22 of the United States, Canada does not provide safe haven to any terrorist organization.

¶6. (U) On December 12, Canada and the United States renewed

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the bilateral agreement on emergency management cooperation, updating a 1986 accord. It establishes the basis for mutual assistance in sending supplies, equipment, emergency personnel, and expert support in response to natural and man-made incidents, including those related to terrorism. It provides for integrated responses and relief efforts during cross-border incidents. It delineates a comprehensive and harmonized approach to emergency management and establishes a framework for a joint response to emergent threats.

¶7. (U) United States-Canadian counterterrorism cooperation took place in a number of established fora, including the terrorism sub-group of the Cross Border Crime Forum, the Shared Border Accord Coordinating Committee, and the Bilateral Consultative Group (BCG). The BCG, which met in January, brings together U.S. and Canadian counterterrorism officials from over a dozen agencies on an annual basis to coordinate policies on terrorism, to share information, and to engage in joint counterterrorism training. Under the auspices of the BCG, the United States and Canada broadened cooperation on a joint Counterterrorism Defense Plan, including a table top exercise in May.

¶8. (U) In Afghanistan, Canada's presence has grown to a 2,750-person battle group that is taking the fight to the Taliban insurgency in Kandahar province as part of the International Security Assistance Force's Regional Command South. It also continues to provide a Provincial Reconstruction Team for stabilization and development efforts. Canada is leading a major initiative to improve cross border coordination between Afghan and Pakistani authorities, including police and military, and to enhance the capacities of the units that work to secure the border from insurgent and terrorist crossings. As of December, Canada had lost 103 soldiers, one diplomat, and two aid workers killed in Afghanistan. It has suffered the highest proportion of casualties to troops deployed for any NATO member in country. During the October national election campaign, Prime Minister Harper re-affirmed that Canada's combat role in Afghanistan will end in 2011.

¶9. (U) Canada helped other countries address terrorism and terrorism financing with its Counterterrorism Capacity Building Program, a \$12 million a year program to provide training, advice, and technical assistance to counterpart agencies. Through this program, Canada provided assistance to several countries in the Caribbean to draft new counterterrorism legislation, intelligence training for border officials on the Afghan-Pakistani border, and financial intelligence training to officials in India. Through its Cross Cultural Roundtable and Muslim Outreach program, Canada has actively engaged its citizens in a dialogue on a broad range of national security issues, including terrorism. The Muslim Communities Working Group in the Department of Foreign Affairs and International Trade continued its efforts abroad to enhance Canada's relationships with the countries of the Muslim world, focusing on the promotion of democratic governance, pluralism, and human rights. Canada currently has two projects under the Organization of American States, (OAS) Inter-American Committee Against Terrorism: a capacity building program on document security; and, fraud prevention in El Salvador for all the countries of Central America, the Dominican Republic, and Mexico. Canada sponsors projects on combating identity theft as part of the OAS, Hemispheric Security Group, port security in Jamaica, and hemisphere-wide QSecurity Group, port security in Jamaica, and hemisphere-wide cyber-security.

¶10. (U) In December, Canada renewed formal counterterrorism research and development (R&D) activities with the United States by extending a 1995 Memorandum of Understanding. The agreement between Canada's Department of Public Safety and the U.S. Department of Defense allows the countries to pursue joint technical requirements for combating terrorism across a spectrum of activities, including chemical, biological, radiological, and nuclear countermeasures, physical security and blast mitigation, explosives detection, and countermeasures for improvised explosive devices. Canada also pursues science and technology goals with the U.S. through the Public Security Technical Program, which began in ¶2003.

¶11. (U) During 2008, Canada significantly expanded and refined its Chemical, Biological, Radiological-Nuclear, and Explosives (CBRNE) Research and Technology Initiative (CRTI). The CRTI integrates people and knowledge from the Canadian scientific, technology, law enforcement, national security, public health, policy, and first responder communities to pursue innovative approaches to counterterrorism through CBRNE science and technology. The broad program is based on

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an annual risk assessment and priority setting process and covers areas including CBRNE detection and identification, criminal and national security investigation capabilities, emergency casualty treatment for CBRNE events, food safety, public confidence, and socio-behavioral issues.

¶12. (U) In February, the Financial Action Task Force (FATF) released a Mutual Evaluation on Anti-Money Laundering and Combating the Financing of Terrorist Finance (AML/CFT) in Canada. According to the report, Canada has strengthened its overall AML/CFT regime since its last evaluation in 1997, but Canada's regime was generally insufficient to meet FATF recommendations. Following the FATF report, Canada in June amended the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA) to bring Canada more in line with international standards, including the FATF,s. The PCMLTFA amendments introduced a risk-based approach as a key element of the compliance regime, allowing reporting entities to assess their own vulnerabilities, identify high risk areas, and allocate resources appropriately. The new legislation also required new client identification and record keeping for real estate agents and brokers, and established a national registry of money service businesses to bring transparency to the sector and ensure legal

compliance. In December, the government gave Canada's financial intelligence unit the power to issue administrative monetary fines in addition to assessing criminal penalties.

¶13. (U) In March, Canada charged an alleged Tamil Tiger fund-raiser under the country's laws against raising money for terrorists. Ontario resident Prapaharan Thambithurai stands accused of raising money for the World Tamil Movement.

His trial is pending, and he remains free on bail. Canada added the group to its list of designated terrorist organizations in April 2006. In November, the Minister of Public Safety announced that Canada had completed the mandatory two year review of listed terrorist entities, and decided that the forty-one entities previously on the list should remain on the list.

¶14. (U) Embassy point of contact is political officer Kurt van der Walde, telephone: 613-688-5242 or email: vanderwalde(at)state.gov.

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